



JAN 04 2002

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In re Application of
RASMUSSEN, Erik
Application No.: 09/807,175
PCT Application No.: PCT/DK99/00543
International Filing Date: 12 October 1999
Priority Date: 12 October 1998
Attorney Docket No.: P199800874
For: CLEANING AND/OR TREATMENT DEVICE

DECISION ON
PETITION
UNDER 37 CFR 1.137(b)

Applicant's "Petition for Revival of an Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office on 01 October 2001 is **GRANTED**.

BACKGROUND

On 12 October 1999, applicant filed an international application, No. PCT/DK99/00543, which claimed a priority date of 12 October 1998. A copy of the application was communicated to the United States Patent and Trademark Office from the International Bureau on 20 April 2000.

On 25 April 2000, a demand for international preliminary examination, in which the United States was elected, was filed prior to the expiration of nineteen months from the priority date. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 12 April 2001.

On 06 April 2001, applicant filed a transmittal letter for entry into the national stage in the United States, accompanied by, *inter alia*, a translation of the international application and a preliminary amendment.

On 03 August 2001, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) stating that applicant had failed to provide the basic national fee within thirty months of the priority date.

On 01 October 2001, applicant filed a petition to revive, accompanied by, *inter alia*, the requisite petition fee, the basic national fee and a declaration.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfies the requirements of 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as application was filed on 12 October 1999. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The \$130.00 surcharge for filing the oath or declaration later than 30 months from the priority date as required by 37 CFR 1.492(f) will be charged to counsel's Deposit Account No. 50-0620 as authorized in the petition filed 01 October 2001.

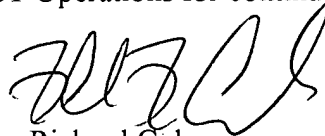
CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

The application has an international filing date of 12 October 1999 under 35 U.S.C. §363 and a date of 01 October 2001 under 35 U.S.C. §371. This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.



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